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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,849	06/25/2001	Steven Verhaverbeke	004711/P1	4749
32588	7590	10/03/2003	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			MARKOFF, ALEXANDER	
			ART UNIT	PAPER NUMBER
			1746	7

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/891,849

Applicant(s)

VERHAVERBEKE ET AL.

Examiner

Alexander Markoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-207 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-207 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-25, 45, 46, 52-56 and 105-108, drawn to an apparatus, classified in class 134, subclass 184.
  - II. Claims 26-44 and 47-50, drawn to a method, classified in class 134, subclass 1.3.
  - III. Claim 51, drawn to an apparatus, classified in class 134, subclass 137.
  - IV. Claims 57-104, 109-118 and 181, drawn to an apparatus, classified in class 134, subclass 172.
  - V. Claims 119-162, drawn to a method, classified in class 134, subclass 1.3.
  - VI. Claims 163-166, drawn to a method, classified in class 134, subclass 33.
  - VII. Claims 167-175, drawn to a method, classified in class 134, subclass 26.
  - VIII. Claims 176-80, drawn to an apparatus, classified in class 134, subclass 137.
  - IX. Claims 182-190, drawn to a method, classified in class 134, subclass 33.
  - X. Claims 191-196 and 202-203, drawn to an apparatus, classified in class 134, subclass 184.
  - XI. Claims 197-201, drawn to a method, classified in class 134, subclass 1.3.
  - XII. Claims 204-205, drawn to an apparatus, classified in class 134, subclass 186.

XIII. Claims 206-207, drawn to an apparatus, classified in class 134, subclass 94.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups I, III, IV, VIII, X, XII and XIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects.

Invention of Group I requires means for providing acoustic energy to a non-device side and means for flowing a fluid to a device side.

Invention of Group III requires plurality of process chambers.

Invention of Group IV requires a platter with a hole and a fluid source connected through the hole.

Invention of Group VIII requires a specific bracket.

Invention of Group X requires plurality of the wafers together with plurality of transducers.

Invention of Group XII requires plurality of quartz rod positioned above the wafer.

Invention of Group XIII requires controlling electronics and a chemical source.

These specifics of each Group do not required by any other group.

3. Inventions of Groups II, V, VI, VII, IX and XI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and

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they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects.

Invention of Group II requires transmitting sonic energy to a non-device side, while flowing a liquid on the device side.

Invention of Group V requires positioning of the bracket, and flowing a chemical between the bracket and the bottom side.

Invention of Group VI requires positioning of the wafer and rotating the bracket with several different speeds.

Invention of Group VII requires positioning of transducers and providing a wafer with specific structures.

Invention of Group IX requires specific maintaining of the wafer position.

Invention of Group XI requires positioning of the plurality of the wafers in a specific way, providing megasonic energy in one direction and providing acoustic energy in a different direction.

These specifics of each Group do not required by any other group.

4. Inventions of Groups II, V, VI, VII, IX and XI and Groups I, III, IV, VIII, X, XII and XIII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case

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the process as claimed can be practiced by another materially different apparatus or by hand because none of the method Groups requires the recited specifics of the method Groups to practice the claimed method.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for any of the Groups is not required for any other Group, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

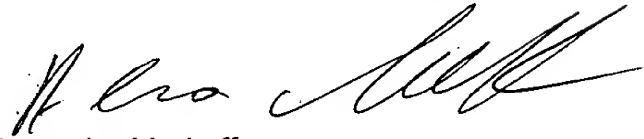
8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 703-308-7545. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 703-308-4333.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703--308-0651.



Alexander Markoff  
Primary Examiner  
Art Unit 1746

am

ALEXANDER MARKOFF  
PRIMARY EXAMINER